

REMARKS

The Applicants' representative expresses appreciation for the opportunity to discuss the application with Examiner Lalita Hamilton during a telephone interview of October 6, 2005. No agreements were reached during the interview.

Rejection of Claims

Claims 1-28 are pending in the application. Claims 1-28 were originally filed in the Application on September 22, 2003, and were rejected in an Office action mailed July 28, 2005. Claims 1, 12, and 23 are independent claims. Claims 2-11, 13-22, and 24-28 depend from independent claim 1, 12, and 23, respectively. The Applicants request reconsideration of the pending claims 1-28, in light of the following remarks.

Claims 1-28 were rejected under 35 U.S.C. 102(a) as being anticipated by Nel (US 2002/00442778]. The Applicants respectfully traverse the rejection.

As an initial matter, the Applicants respectfully submit that the rejections of the Office action lack specificity. That is, the Office action fails to particularly indicate where in the cited references that a suggested teaching can be found. The Office action relies upon a single prior art reference (Nel) for the rejections of all of claims 1-28, and uses a single combination of citations that makes blanket reference, in total, to approximately one half of the Specification text of the Nel reference. The Office action fails to identify which of the individual citations within the combination corresponds to which of the elements of Applicants' claims, and instead repeats the combined citation 16 times in identifying the teaching of Nel that allegedly correspond to the limitations of Applicants' claims. The Applicants respectfully submit that merely suggesting that a teaching exists somewhere within half of the text of a prior art reference is inadequate to provide sufficient indication of where exactly the Examiner believes a particular teaching lies. This lack of specificity in stating rejections results in making the Applicants' task of responding to the rejections overly burdensome and treacherous, and demands that the Applicants attempt to read the mind of the Examiner as to which of the features of Applicants' invention are alleged to correspond to which of the teaching of the reference.

Therefore, because the rejections in the instant Office action lack specificity, the Applicants respectfully request that the next Office action be made non-final, and that any rejections being made therein be more specific in order that the Applicants may be provided with at least a fair opportunity to respond to the rejections.

With regard to the anticipation rejections, MPEP 2131 states, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 2 USPQ2d 1051, 1053 (Fed.Cir. 1987). MPEP 2131 also states, “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Regarding claim 1, the Applicants respectfully submit that Nel does not teach, suggest, or disclose, for example, a system providing billing support for the exchange of media, the system comprising a first television display in a first home of a first user; a first storage in the first home, the first storage supporting media consumption by the first television display in the first home, and having a first network protocol address; a user interface, at the first home, having at least one user defined media channel, each of the at least one user defined media channel comprising a sequence of user selected and scheduled media, the user interface supporting selection and scheduling of the media; at least one server storing the media, and having a second network protocol address; and server software that receives from the first home via a communication network a request for the delivery of media, the request comprising information securing payment for delivery, and that responds by coordinating the delivery of the media from the at least one server at the second network protocol address to the first storage at the first network protocol address for consumption by the first television display. More specifically, Nel fails to teach, suggest, or disclose a user interface having at least one user defined media channel, where the at least one user defined media channel comprises a sequence of user selected and scheduled media. Nel is silent with respect to sequences of user selected media, and is also silent with respect to scheduling, let alone scheduling of media by a user. Nel also fails to teach, suggest, or disclose server software that responds to a request by coordinating delivery of media from at least one server at a second network protocol

address to storage at the first network protocol address for consumption by the first television display. Nel fails to disclose the delivery of media to a storage for consumption by a television display, and instead discloses a system for performing interactive data exchange functions. (see Abstract, para. [0001])

Therefore, for at least the above stated reasons, the Applicants respectfully submit that Nel is different from and fails to anticipate the Applicants' invention as set forth in claim 1. The Applicants believe that claim 1 is allowable over Nel. Because claims 2-11 depend from claim 1, Nel is different from and fails to anticipate claims 2-11, as well. Therefore, the Applicants respectfully submit that claims 2-11 are also allowable over the Nel reference. The Applicants respectfully request that the rejection of claims 1-11 under 35 U.S.C. §102(a), be withdrawn.

Regarding claim 12, the Applicants respectfully submit that Nel does not teach, suggest, or disclose, for example, a system providing billing support for the exchange of media, the system comprising a first storage in the first home, the first storage supporting media consumption, and having an associated first protocol address; a second television display in a second home, and having an associated second protocol address; a user interface, at the first home, having at least one user defined media channel, each of the at least one user defined media channel comprising a sequence of user selected and scheduled media, the user interface supporting selection and scheduling of the media; at least one server storing the media; and server software that receives from the first home at the associated first protocol address, via a communication network, a request for the delivery of the media, the request comprising information securing payment for delivery, and that responds by coordinating the delivery of the media from one of the first storage and the at least one server to the second television display at the associated second protocol address for consumption. More specifically, Nel fails to teach, suggest, or disclose storage in a home, where the storage supports media consumption and has an associated protocol address. Nel fails to teach anything with respect to the use of protocol addresses. Nel also fails to teach, suggest or disclose a user interface having at least one user defined media channel comprising a sequence of user selected and scheduled media. Nel is silent with respect to sequences of user selected media, and is also silent with respect to scheduling, let alone the scheduling of media by a user. Nel is silent with respect to receiving media requests from one location for delivery to another, and the delivery of media from a storage or a server.

Therefore, for at least the above stated reasons, the Applicants respectfully submit that Nel is different from and fails to anticipate the Applicants' invention as set forth in claim 12. The Applicants believe that claim 12 is allowable over Nel. Because claims 13-22 depend from claim 12, Nel is different from and fails to anticipate claims 13-22, as well. Therefore, the Applicants respectfully submit that claims 13-22 are also allowable over the Nel reference. The Applicants respectfully request that the rejection of claims 12-22 under 35 U.S.C. §102(a), be withdrawn.

Regarding claim 23, the Applicants respectfully submit that Nel does not teach, suggest, or disclose, for example, a system providing billing support for the exchange of media, the system comprising a first storage in the first home; a second television display in a second home; a user interface having at least one user defined media channel comprising a sequence of user selected and scheduled media, the user interface supporting selection and scheduling of the media; at least one server storing the media; and server software that receives a request for the delivery of the media, the request comprising information securing payment for delivery, and that responds by coordinating the delivery of the media from one of the first storage and the at least one server to the second television display for consumption. More specifically, Nel fails to teach, suggest or disclose a user interface having at least one user defined media channel, and a user defined media channel comprising a sequence of user selected and scheduled media. Nel is silent with respect to sequences of user selected media, and is also silent with respect to scheduling, let alone the scheduling of media by a user. Nel fails to teach anything about a server storing media, and is silent with respect to server software. Nel also fails to teach, suggest, or disclose server software receiving requests for media from one location for delivery to another, and the delivery of media from a storage in a home or from a server.

Therefore, for at least the above stated reasons, the Applicants respectfully submit that Nel is different from and fails to anticipate the Applicants' invention as set forth in claim 23. The Applicants believe that claim 23 is allowable over Nel. Because claims 24-28 depend from claim 23, Nel is different from and fails to anticipate claims 24-28, as well. Therefore, the Applicants respectfully submit that claims 23-28 are also allowable over the Nel reference. The Applicants respectfully request that the rejection of claims 23-28 under 35 U.S.C. §102(a), be withdrawn.

Conclusion

The Applicants believe that all of claims 1-28 are in condition for allowance. Should the Examiner disagree or have any questions regarding this submission, the Applicants invite the Examiner to contact the undersigned at (312) 775-8000 for an interview.

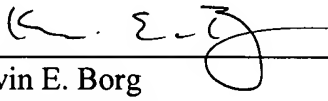
A Notice of Allowability is courteously solicited.

The Commissioner is hereby authorized to charge any additional fees associated with this communication, or credit any overpayment, to Deposit Account No. 13-0017.

Respectfully submitted,

Date: October 13, 2005

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